

**Caption in Compliance with D.N.J. LBR 9004-1(b)**

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*Counsel to the Plan Administrator*

In re:  
BED BATH & BEYOND INC., *et al.*,<sup>1</sup>  
Debtors.



Order Filed on November 27, 2024  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

Chapter 11

Case No. 23-13359 (VFP)  
(Jointly Administered)

**ORDER (A) ALLOWING CERTAIN PERSONAL INJURY CLAIMS AND (B)  
GRANTING RELATED RELIEF**

The relief set forth on the following pages, numbered two (2) through five (5), is

**ORDERED.**

**DATED: November 27, 2024**

A handwritten signature in black ink, appearing to read "Honorable Vincent F. Papalia".

Honorable Vincent F. Papalia  
United States Bankruptcy Judge

<sup>1</sup> The last four digits of Debtor Bed Bath & Beyond Inc.'s tax identification number are 0488. A complete list of the Debtors in these chapter 11 cases and each such Debtor's tax identification number may be obtained on the website of the Debtor's proposed claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>.

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Debtors: Bed Bath & Beyond, Inc., et al.

Case No.: 23-13359 (VFP)

Caption: Order (A) Allowing Certain Personal Injury Claims and (B) Granting Related Relief

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Upon the *Motion for Entry of an Order (A) Allowing Certain Personal Injury Claims and (B) Granting Related Relief* (the “Motion”)<sup>2</sup> of Michael Goldberg, in his capacity as the Plan Administrator (the “Plan Administrator”) to 20230930-DK-Butterfly-1, Inc. (f/k/a/ Bed Bath & Beyond Inc.)<sup>3</sup> and affiliated debtors (the “Debtors”), for entry of an order (this “Order”), (i) allowing the Subject Claims identified on Exhibit 1 hereto as Class 6 General Unsecured Claims in the face amount of such claims, as identified on Exhibit 1 in full and final satisfaction of such Claims as and against the Debtors, (ii) requiring holders of the Subject Claims, to the extent litigation has been initiated, to dismiss or otherwise withdraw such litigation with prejudice against the Debtors, and (iii) granting related relief, all as is more fully set forth in the Motion; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334 and the Standing Order of Reference to the Bankruptcy Court Under Title 11 of the United States District Court for the District of New Jersey, entered July 23, 1984, and amended on September 18, 2012 (Simandle, C.J.); and this Court having found that this Court may enter a final order consistent with Article III of the United States Constitution; and this Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the relief requested in the Motion is in the best interests of the Debtors’ estates, their creditors, and other parties in interest; and this Court having found that the Plan Administrator’s notice of the

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<sup>2</sup> Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Motion.

<sup>3</sup> Pursuant to the *Certificate of Amendment of the Certificate of Incorporation of Bed Bath & Beyond Inc.*, which was filed with the State of New York Department of State on September 21, 2023, the name of the entity formerly known as “Bed Bath & Beyond Inc.” was changed to *20230930-DK-Butterfly, Inc.* [Filing ID No. 230921001833 DOS ID 315602].

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Debtors: Bed Bath & Beyond, Inc., et al.

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Motion and opportunity for a hearing on the Motion were appropriate and no other notice need be provided; and this Court having reviewed the Motion and having heard the statements in support of the relief requested therein at a hearing before this Court (the “Hearing”); and this Court having determined that the legal and factual bases set forth in the Motion and at the Hearing establish just cause for the relief granted herein; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor, **IT IS**

**HEREBY ORDERED THAT:**

1. The PI Claims identified in Exhibit 1 hereto (collectively, the “Subject Claims”) are hereby Allowed as Class 6 General Unsecured Claims in the amounts identified on Exhibit 1, in full and final satisfaction of such Claims as and against the Debtors and their estates.

2. For the avoidance of doubt, the Subject Claims will solely be entitled to be treated as Class 6 General Unsecured Claims and will receive distributions (if any) in accordance with the terms of the Plan.

3. Kroll Restructuring Administration LLC, as claims, noticing, and solicitation agent, is authorized and directed to update the claims register in these chapter 11 cases to reflect the relief granted in this Order.

4. No later than thirty (30) days following entry of this Order, the holders of the Subject Claims shall cause any pending litigation underlying the Subject Claims to be dismissed or otherwise withdrawn, with prejudice, as to all Debtors and their estates.

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Debtors: Bed Bath & Beyond, Inc., et al.

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5. Nothing in this Order shall obligate the Plan Administrator, the Debtors, the holders of the Subject Claims, or any insurance carrier to settle or pursue settlement of any particular Claim.

6. Nothing in this Order, nor any actions taken pursuant hereto, shall constitute admissible evidence against any party in any action or proceeding other than one to enforce the terms of this Order.

7. The limited relief set forth herein shall not be construed as an admission of liability by the Debtors regarding any claim or cause of action arising from or in relation to the Subject Claims or any other matter. The Debtors deny any and all liability and wrongdoing. This Order represents the compromise and resolution of disputed claims.

8. For the avoidance of doubt, nothing in this Order shall be construed as an agreement to treat any damages or expenses resulting or arising from the Subject Claims, or commencement and prosecution thereof, as post-petition claims. For the further avoidance of doubt, nothing in this Order shall be construed to alter treatment of any liquidated Claim under the Plan.

9. Notwithstanding the relief granted in this Order and any actions taken pursuant to such relief, nothing in this Order shall be deemed: (i) an admission as to the validity of any claim against the Debtors, (ii) a waiver of the Plan Administrator's or any appropriate party-in-interest's rights to dispute the amount of, basis for, or validity of any claim, (iii) a waiver of the Plan Administrator's or any other party-in-interest's rights under the Bankruptcy Code or any other applicable non-bankruptcy law, or (iv) an approval, adoption, assumption, or rejection of

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any agreement, contract, program, policy, or lease under section 365 of the Bankruptcy Code.

For the avoidance of doubt, the Plan Administrator's rights to object to any Claim filed by the holders of the Subject Claims, other than the Subject Claims, on any grounds whatsoever are expressly preserved.

10. Notice of the Motion as provided therein is hereby deemed good and sufficient notice of such Motion, and the requirements of the Bankruptcy Rules and the Bankruptcy Local Rules are satisfied by such notice.

11. The Plan Administrator, the Debtors, the holders of the Subject Claims, and any insurance carrier affected by this Order are authorized to take all actions necessary or appropriate to effectuate the relief granted herein.

12. This Court retains jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

**Exhibit 1**

(*The Subject Claims*)

Ref. No.	Creditor	Claim No.	Debtor	Date Filed	Claim Amount
1	Almanzar, Altadecia Diaz	18258	Bed Bath & Beyond Inc.	11/3/2023	\$45,000.00
2	Alvarez, Victoria Jasmine	17403	Bed Bath & Beyond Inc.	9/25/2023	\$25,000.00
3	Baldwin, Edward	16744	Bed Bath & Beyond Inc.	8/30/2023	\$50,000.00
4	Bowers, Margaret Anne	18934	Bed Bath & Beyond Inc.	12/20/2023	\$10,738.00
5	Brown, Deralynn	9941	Bed Bath & Beyond Inc.	7/6/2023	\$100,000.00
6	Cox Smith, Carla	19186	Bed Bath & Beyond Inc.	1/11/2024	\$400,000.00
7	Eichner, Phyllis	3642	Bed Bath & Beyond Inc.	6/2/2023	\$500,000.00
8	Frey, Jeffrey	18218	Bed Bath & Beyond of Portland Inc.	11/2/2023	\$200,000.00
9	Gonzalez, Jr., Noel	19009	San Antonio Bed Bath & Beyond Inc.	12/27/2023	\$145,000.00
10	Haner, Tiffany	17645	Bed Bath & Beyond Inc.	10/4/2023	\$95,000.00
11	Hernandez, Gisella	8530	Bed Bath & Beyond Inc.	6/20/2023	\$100,000.00
12	Hoyle, Keela Latrae	17748	Bed Bath & Beyond Inc.	10/9/2023	\$30,000.00
13	Leone, Vinese A.	13669	Bed Bath & Beyond Inc.	7/7/2023	\$750,000.00
14	Maloney-Najjar, Kelley	1220	Harmon Stores, Inc.	5/15/2023	\$100,000.00
15	Parrish, Beverly	20280	Bed Bath & Beyond Inc.	9/4/2024	\$472,000.00
16	Paul, Angela	16938	Bed Bath & Beyond Inc.	9/14/2023	\$100,000.00
17	Richards-Coley, Nicole	1477	Bed Bath & Beyond Inc.	5/16/2023	\$250,000.00
18	Rzeczkowski, Vicki	13645	Bed Bath & Beyond Inc.	7/3/2023	\$50,000.00
19	Salazar, Anna	19710	Bed Bath & Beyond Inc.	3/26/2024	\$100,000.00
20	Schwoyer, Christy	15025	Bed Bath & Beyond Inc.	7/26/2023	\$135,000.00
21	Shaw, Shelley	14310	Bed Bath & Beyond Inc.	7/19/2023	\$75,000.00

In re:  
Bed Bath & Beyond Inc.  
Debtor

Case No. 23-13359-VFP  
Chapter 11

## CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin

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Date Rcvd: Dec 03, 2024

Form ID: pdf903

Total Noticed: 13

The following symbols are used throughout this certificate:

**Symbol**      **Definition**

- + Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
- ^ Addresses marked '^' were sent via mandatory electronic bankruptcy noticing pursuant to Fed. R. Bank. P. 9036.

**Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 05, 2024:**

Recip ID	Recipient Name and Address
db	+ Bed Bath & Beyond Inc., 650 Liberty Avenue, Union, NJ 07083-8107
aty	+ Casey McGushin, 3101 Old Jacksonville Road, Springfield, IL 62704-6488
aty	+ Jacob E. Black, Kirkland and Ellis LLP, 3101 Old Jacksonville Road, Springfield, IL 62704-6488
aty	+ Max M Freedman, Kirkland & Ellis LLP, 300 North LaSalle Street, Chicago, IL 60654-3406

TOTAL: 4

**Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.**

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
aty	^ MEBN	Dec 03 2024 20:48:07	Charles B. Sterrett, Kirkland & Ellis, 300 North LaSalle Street, Chicago, IL 60654-3406
aty	^ MEBN	Dec 03 2024 20:52:15	Derek I. Hunter, Kirkland & Ellis LLP, 601 Lexington Avenue, New York, NY 10022-4643
aty	^ MEBN	Dec 03 2024 20:49:39	Emily E. Geier, Kirkland & Ellis LLP, 601 Lexington Avenue, New York, NY 10022-4643
aty	^ MEBN	Dec 03 2024 20:52:11	Kirkland & Ellis LLP, 601 Lexington Avenue, New York, NY 10022-4643
aty	^ MEBN	Dec 03 2024 20:52:15	Michael A. Sloman, Kirkland and Ellis LLP, 601 Lexington Avenue, New York, NY 10022-4643
aty	^ MEBN	Dec 03 2024 20:52:11	Noah Z. Sosnick, Kirkland and Ellis LLP, 601 Lexington Avenue, New York, NY 10022-4643
aty	^ MEBN	Dec 03 2024 20:52:17	Olivia F. Acuna, Kirkland and Ellis LLP, 601 Lexington Avenue, New York, NY 10022-4643
aty	^ MEBN	Dec 03 2024 20:52:13	Richard U.S. Howell, P.C, KIRKLAND & ELLIS LLP, KIRKLAND & ELLIS INTERNATIONAL LLP, 300 North LaSalle Street, Chicago, IL 60654-3406
aty	^ MEBN	Dec 03 2024 20:52:12	Ross Fiedler, Kirkland & Ellis LLP, 601 Lexington Avenue, New York, NY 10022-4643

TOTAL: 9

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities

in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Dec 05, 2024

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 27, 2024 at the address(es) listed below:

Name	Email Address
A. Jeff Ifrah	on behalf of Interested Party Federal Insurance Company jeff@ifrahlaw.com
A.J. Webb	on behalf of Creditor Select Consolidated Management LLC awebb@fbtlaw.com, awebb@ecf.courtdrive.com
Aaron Applebaum	on behalf of Creditor CR Mount Pleasant LLC aaron.applebaum@us.dlapiper.com, aaron--applebaum--3547@ecf.pacerpro.com
Aaron Applebaum	on behalf of Interested Party Continental Realty Corporation aaron.applebaum@us.dlapiper.com aaron--applebaum--3547@ecf.pacerpro.com
Aaron Applebaum	on behalf of Interested Party WM Sunset & Vine LLC aaron.applebaum@us.dlapiper.com aaron--applebaum--3547@ecf.pacerpro.com
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Aaron R. Cahn	on behalf of Creditor The Bank of New York Mellon cahn@clm.com CourtMail@clm.com
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Adam J Ruttenberg	on behalf of Creditor Columbus Trading-Partners USA Inc. aruttenberg@beaconlawgroup.com
Alan J. Brody	on behalf of Defendant Corvel Enterprise Comp Inc. brody@gtlaw.com, alan-brody-2138@ecf.pacerpro.com
Alan J. Brody	on behalf of Creditor JPMorgan Chase Bank N.A. brody@gtlaw.com alan-brody-2138@ecf.pacerpro.com
Alan J. Brody	on behalf of Creditor Alexander's Rego Shopping Center Inc. brody@gtlaw.com, alan-brody-2138@ecf.pacerpro.com
Alan Stuart Maza	on behalf of Interested Party Securities and Exchange Commission mazaa@sec.gov mazaa@sec.gov
Albert Anthony Ciardi, III	on behalf of Creditor The Anna Mscisz Trust aciardi@ciardilaw.com sfrizlen@ciardilaw.com;dtorres@ciardilaw.com
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Albert Anthony Ciardi, III	on behalf of Creditor Rainier Colony Place Acquisitions LLC aciardi@ciardilaw.com, sfrizlen@ciardilaw.com;dtorres@ciardilaw.com
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Alexandria Nikolinos	

District/off: 0312-2

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on behalf of U.S. Trustee U.S. Trustee Alexandria.M.Nikolinos@hud.gov

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Allen Joseph Underwood, II

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Andy Winchell

on behalf of Creditor Dong Koo Kim and Jong Ok Kim Trustees of the Dong Koo Kim and Jong Ok Kim Family Trust, dated October 18, 1996 andy@winchlaw.com, awinchellecf@gmail.com;katharine@winchlaw.com;winchellar94173@notify.bestcase.com

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Arthur Abramowitz

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Date Recd: Dec 03, 2024

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Brian Morgan

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Brian Morgan

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Brigette G McGrath

on behalf of Other Prof. Michael Goldberg bmcgrath@askllp.com

Brigette G McGrath

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